



REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1 through 2 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figure 2 of the drawings as originally filed, an arrow head has been added in red ink to the lead line of reference number "10".

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraph 3 of the Office Action

The title of the invention has been objected to as not being descriptive.

The title has been amended, and it is submitted that the title, particularly as amended, is descriptive of the invention.

Withdrawal of the objection to the title is respectfully requested.

Paragraphs 4 through 6 of the Office Action

Claims 1 through 8 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 1 through 8 is therefore respectfully requested.



Paragraphs 7 through 19 of the Office Action

Claims 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Brown (US 6,059,763).

Claims 2 through 3 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Brown (US 6,059,763).

Claims 4 through 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Brown in view of Hartman (US 5,833,680).

Claim 1, particularly as amended, requires "wherein the perimeter of said base panel lies generally in a plane, and wherein portions of said base panel lateral to said upstanding member curve upwardly from the bottom side of the upstanding member such that an uppermost tip of the upstanding member lies generally in the plane of said perimeter". This feature of the claimed base panel is submitted to permit a greater retention of the moisture directed by the upstanding member toward the top surface of the base panel.

The Brown reference teaches a base pad that is relatively flat, and lateral sides of the base pad extend substantially straight across, with wings that are taught to "wrap around the sides of the undergarment" (Brown at col. 5, lines 14 through 15), and thus could only lead one away from applicant's lateral sides of a base panel that curve upward to form a concave top surface. Further, the Hartman reference also leads one away from the applicant's claimed base panel design, as the lateral sides of the Hartman napkin portion slope outwardly and downwardly from the vertical element 12. it is therefore submitted that one viewing the Brown and Hartman teachings would never be lead to the applicant's claimed invention.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 is therefore respectfully requested.

VERSION WITH MARKINGS TO SHOW CHANGES MADE:

In the Specification:

Page 1, line 7, delete "FEMININE HYGIENE ARTICLE" and insert --FEMININE HYGIENE ARTICLE WITH UPSTANDING MEMBER--.

Page 2, line 1, delete "FEMININE HYGIENE ARTICLE" and insert --FEMININE HYGIENE ARTICLE WITH UPSTANDING MEMBER--.

Page 8, the paragraph starting at line 8:

As best illustrated in Figures 1 through 4, the feminine hygiene article 10 generally comprises a base panel [10] 11 for absorbing moisture. The base panel 11 has a top surface 12 and a bottom surface 14. The base panel 11 has a peripheral edge 16. A lip 18 is coupled to and extends upwardly away from the peripheral edge 16. The base panel 11 is preferably comprised of a cotton material. The base panel 11 has a generally rectangular shape, and ideally a height between one-half inches and three-fourth inches. The base panel 11 has a length between five and eight inches.

In the Claims (bracketed parts deleted and underlined parts added):

1. (Amended) A feminine hygiene article, said article being placeable between the body of a user and [the] undergarments [of a] worn by the user, said article comprising:

[a] an elongate base panel for absorbing moisture and having opposite ends, said base panel having a perimeter, said base panel having a top surface and a bottom surface, said top surface being concave and said bottom surface being convex;

an upstanding member for directing flow of the moisture, said upstanding member having a top side, a bottom side and a peripheral wall extending therebetween, said bottom side being fixedly coupled to said top surface of said base panel, said upstanding member being located in a central portion of said base panel, said upstanding member being elongated towards the opposite ends of the base panel and having a longitudinal axis orientated generally parallel to a longitudinal axis of said base panel;
a sealing member [, said sealing] having a front side and a back side, said front side being fixedly coupled to said bottom surface of said base panel;
wherein the perimeter of said base panel lies generally in a plane, and wherein portions of said base panel lateral to said upstanding member curve upwardly from the bottom side of the upstanding member such that an uppermost tip of the upstanding member lies generally in the plane of said perimeter.

2. (Amended) The feminine hygiene article as in claim 1, wherein said base panel [further comprises: said base panel having] has a peripheral edge, a lip being coupled to and extending upwardly away from said peripheral edge, said base panel being comprised of a cotton material.

3. (Amended) The feminine hygiene article as in claim [2] 1, wherein said base panel further comprises: the perimeter of said base panel having a generally rectangular shape, said base panel having a height generally between one-half inches and [three-fourth] three-quarter inches.

4. (Amended) The feminine hygiene article as in claim 2, wherein [said upstanding member further comprises: said upstanding member being located in a central portion of said base panel, said bottom side having a longitudinal axis orientated generally parallel to a longitudinal axis of said base panel, said top side having a generally convex shape,] a length of said base side [having a length being] is approximately twice as long as a width of said top side.

5. (Amended) The feminine hygiene article as in claim 4, wherein [said upstanding member further comprises: said peripheral wall having] has a height approximately between one and two inches.

6. (Amended) The feminine hygiene article as in claim 5, wherein said sealing member [further comprises: said sealing member having] has a size and shape being substantially identical to said bottom surface of said base panel, said sealing member comprising a plastic, said sealing member being liquid impermeable.

7. (Pending) The feminine hygiene article as in claim 4, further comprising:
an adhesive member for removably attaching said sealing member to the undergarments of the user, said adhesive member being fixedly coupled to said back side of said sealing member, said adhesive member having an adhesive side being directed away from said sealing member.

8. (Amended) A feminine hygiene article, said article being placeable between the body of the user and [the] undergarments [of a] worn by the user, said article comprising:
a base panel for absorbing moisture and having opposite ends, said base panel having a top surface and a bottom surface, said

base panel having a peripheral edge, a lip being coupled to and extending upwardly away from said peripheral edge, said base panel being comprised of a cotton material, said base panel having a generally rectangular shape, said base panel having a height generally between one-half inches and [three-fourth] three-quarter inches;

an upstanding member for directing flow of the moisture, said upstanding member having a top side, a bottom side and a peripheral wall extending therebetween, said bottom side being fixedly coupled to said top surface of said base panel, said upstanding member being located in a central portion of said base panel, said upstanding member being elongated towards the opposite ends of the base panel, said bottom side having a longitudinal axis orientated generally parallel to a longitudinal axis of said base panel, said top side having a generally convex shape, a length of said base side having a length being approximately twice as long as a width of said top side, said peripheral wall having a height substantially equal to one and one-half inches; and

a sealing member, said sealing having a front side and a back side, said front side being fixedly coupled to said bottom surface of said base panel, said sealing member having a size and shape being substantially identical to said bottom surface of said base panel, said sealing member comprising a plastic, said sealing member being liquid impermeable; [and]

an adhesive member for removably attaching said sealing member to the undergarments of the user, said adhesive member being fixedly coupled to said back side of said sealing member, said adhesive member having an adhesive side being directed away from said sealing member, said adhesive member covering a

substantial portion of a surface of said back side of said sealing member;

wherein the perimeter of said base panel lies generally in a plane, and wherein portions of said base panel lateral to said upstanding member curve upwardly from the bottom side of the upstanding member such that an uppermost tip of the upstanding member lies generally in the plane of said perimeter; and

wherein a height is defined between the bottom surface of said base panel and the uppermost tip of said upstanding member, and a width is defined between opposite points on said perimeter in the plane of said perimeter, and said height is approximately one-quarter of said width.

Please add the following claims:

9. (Added) The feminine hygiene article as in claim 1, wherein a height is defined between the bottom surface of said base panel and the uppermost tip of said upstanding member, and a width is defined between opposite points on said perimeter in the plane of said perimeter, and said height is approximately one-quarter of said width.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,


Ivar M. Kaardal (Reg. No. 29,812)
KAARDAL & ASSOCIATES, P.C.
3500 South First Avenue Circle, Suite 250
Sioux Falls, SD 57105-5802
(605)336-9446 FAX (605)336-1931
e-mail patent@kaardal.com

Date: 4/3/01